

## DEPARTMENT OF INDUSTRIAL RELATIONS

OFFICE OF THE DIRECTOR  
455 Golden Gate Avenue, Tenth Floor  
San Francisco, CA 94102  
(415) 703-5050



November 30, 1999

Mr. Christopher D. Bruce  
Inner Space Engineering Corporation  
1730 South Amphlett Blvd., Suite 114  
San Mateo, CA 94402

RE: Public Works Case #99-060  
Metal Lockers and Metal Storage Shelving  
Santa Clara Police Facility

Dear Mr. Bruce:

This constitutes the determination of the Director of Industrial Relations regarding coverage of the above-referenced project under the California prevailing wage laws, and is made pursuant to Title 8, California Code of Regulations section 16001(a). Based upon my review of the documents submitted and analysis of the relevant facts as presented, I have determined that the on-site installation of lockers and shelves is a public work within the meaning of Labor Code sections 1720(a) and 1772.

Labor Code section 1720(a) defines public works to mean "Construction, alteration, demolition, or repair work done under contract and paid for in whole or in part out of public funds..."

Labor Code section 1772 states: "Workers employed by contractors or subcontractors in the execution of any contract for public work are deemed to be employed upon public work."

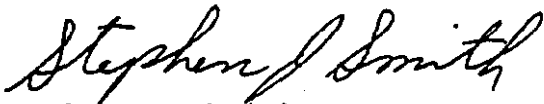
In this case, the installation of metal lockers and metal storage shelves involves construction done under contract and paid for with public funds. For this reason, it is a public works for which prevailing wages must be paid. In addition, in the agreements you have submitted, it is clear that the installation is being performed under a subcontract with the general contractor, who is engaged in the performance of a larger construction project. As part of this, the general contractor is providing the finished pads for the lockers and shelves and the subcontractor is assembling and installing the lockers and shelves on site to fit room conditions before the lockers and shelves are made secure using bolts and rivets to anchor them to interior walls and floors.

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As such, the locker and shelving installation work is also covered under Labor Code section 1772 as it is in the execution of a public works contract.

I hope this determination letter satisfactorily answers your inquiry.

Sincerely,

A handwritten signature in cursive script, reading "Stephen J. Smith".

Stephen J. Smith  
Director

cc: Daniel M. Curtin, Chief Deputy Director and Acting Chief, DLSR  
Marcy Vacura Saunders, Labor Commissioner  
Henry P. Nunn, III, Chief, DAS  
Vanessa L. Holton, Assistant Chief Counsel  
James Parissenti, City of Santa Clara  
S. J. Amoroso Construction Co., Inc.